

Amendments to the Drawings

The attached sheet of drawings includes changes to FIG. 8. This sheet, which includes FIG. 8, replaces the original sheet including FIG. 8.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

1. Objections to Specification, Drawings and Claims

The Examiner objected to the drawings because certain reference numbers shown in the drawings were not mentioned in the description. (Office Action, pg. 2) Applicants amended the description to overcome this objection.

Applicants amended the paragraph on pg. 20, lines 10-26 to mention the elements 612, 614, 616, and 620 shown in FIG. 12. Applicants have not added any new matter because these elements added to the disclosure are disclosed in FIG. 12.

Applicants amended the paragraph on pg. 22, line 17 to pg. 23, line 2 to include a reference to block 806 in the description and to correct the specification to follow the operations disclosed in block 806 in FIG. 17.

Applicants amended the paragraph on pg. 23, line 21 to pg. 24, line 2 to include a reference to block 908 of FIG. 19 in the description.

Applicants submit that all the above amendments to the description do not add new matter, but conform the written description to the content of the figures.

The Examiner objected to the Specification because the reference number 400 is not found in the drawings. Applicants have amended FIG. 8 of the drawings to include the reference number 400 referencing the “calendar window” as disclosed on pg. 17 of the description.

The Examiner objected to the Specification on the grounds that the reference number 703 on pg. 21, line 21 is not found in the drawings. Applicants amended the Specification to change “703” to “730”, because that is the reference number used for the “event record”. Applicants submit that this amendment overcomes this objection.

The Examiner objected to the use of the reference number 764 on pg. 22, line 7. Applicants amended the paragraph on pg. 22, lines 4-8 to correct the numbering by moving reference number “764” to apply to the “number of visitors”, as shown in FIG. 15. Applicants further corrected the reference numbers for the “contact info” and “event list” elements to conform to the reference numbers used in FIG. 15.

The Examiner indicated that claims 11, 30, and 49 should read “the current location is within the proximity”. Applicants amended these claims to make the proposed correction to overcome this objection.

Applicants request withdrawal of the objections to the Specification, Drawings, and Claims in view of the above amendments.

2. The Amended Claims Comply with 35 U.S.C. §112, par. 2.

The Examiner rejected claims 12, 31, and 50 for insufficient antecedent basis for the “determined events” element. Applicants amended these claims to provide antecedent basis to overcome this rejection and request that this rejection be withdrawn.

3. Claims 1, 6-10, 14, 19, 20, 25-29, 33, 38, 39, 44-48, 52, and 57 are Patentable Over the Cited Art

The Examiner rejected claims 1, 6-10, 14, 17-20, 25-29, 33, 36-39, 44-48, 52, and 55-57 as anticipated (35 U.S.C. §102(b)) over Waytena (U.S. Patent No. 5,978,770). Claims 17, 18, 36, 37, 55, and 56 were canceled. Applicants traverse with respect to the pending claims.

Claims 1, 20, and 39 concern transmitting information to a wireless device, and require: determining a current location of the wireless device; determining whether the current location is within a proximity to a target location; and if the current location is within the proximity to the target location, then transmitting information to the wireless device on offerings available at the target location.

The Examiner cited col. 14, lines 21-33 as disclosing the requirements of these claims. (Office Action, pgs. 3, 5, and 7) Applicants traverse.

The cited col. 14 of Waytena mentions that a patron having a personal device (PCD) may be presented with a list of attractions that match the preferences of the patron’s group or that are in a proximity to the patron’s current location, which can be based on a GPS.

Although the cited col. 14 of Waytena discusses providing a user of a wireless device with a list of attractions in proximity to the user’s current location, nowhere does the cited col. 14 anywhere disclose transmitting information to the wireless device on a target location in a proximity. Instead, the cited col. 14 has the wireless device determine proximate attractions, but there is no transmitting information to the wireless device on offerings available at a target location within a proximity to the current location of the wireless device.

Further, Waytena teaches away from the claim requirements. Col. 14 of Waytena mentions that proximate attractions are determined by matching the patron’s current location

according to GPS data against geographical location data for attractions maintained in the attraction description storage 205 of the personal communication device PCD. (Waytena, col. 14, lines 25-35). Thus, with the cited Waytena there is no need to transmit information to the wireless device on a proximate target because in the cited Waytena the determination of proximate attractions is determined by processing information within the PCD.

Thus, not only does the cited Waytena fail to disclose the cited transmitting information to the wireless device, but the cited Waytena teaches away from this claim requirement by providing that the determination of proximate attractions is performed locally within the PCD using the attraction description storage 205 within the PCD.

Accordingly, claims 1, 20, and 39 are patentable over the cited art because the cited Waytena does not disclose all the claim requirements.

Claims 6-9, 25-28, and 44-47 are patentable over the cited art because they depend from one of claims 1, 20, and 39. The following discussed dependent claims provide additional grounds of patentability over the cited art.

Claims 7, 26, and 45 depend from claims 1, 20, and 39 and further require accessing information indicating personal preferences of a user of the wireless device and determining whether the offerings at the target location match at least one personal preference indicated by the user, wherein the information is transmitted if the offerings at the target location match one personal preference indicated by the user.

The Examiner cited col. 14, lines 21-23 of Waytena as disclosing the additional requirements of these claims. (Office Action, pgs. 4, 5, and 7) Applicants traverse for the following reasons.

The cited col. 14 mentions that a list of attractions are presented that match preferences of the patron's group and that are in relative proximity to the patron's location. Nowhere does the cited col. 14 disclose the claim requirement that the information on a proximate target location is transmitted to the wireless device if the offerings at the target location match one personal preference. Instead, with the cited Waytena, the patron information used for the determination is in a local storage 202 of the PCD. Thus, the cited Waytena teaches away from the claim requirement of transmitting the information to the wireless device because the determination of proximate and preferred attractions is made from information in the PCD storage 202 and 205.

Accordingly, claims 7, 26, and 45 provide additional grounds of patentability over the cited art because the additional requirements of these claims are not disclosed in the cited art.

Independent claims 10, 29, and 48 concern transmitting information to a wireless device, and require: determining a current location of the wireless device; providing a data structure including event information for each of a plurality of events that occur at event locations; determining whether the current location is within a proximity to at least one of the event locations; and if the current location is within the proximity to at least one event location, then transmitting event information to the wireless device for the at least one event location that is within the proximity to the wireless device.

The Examiner cited the above discussed col. 14 of Waytena as disclosing the claim requirements of transmitting event information to the wireless device for event locations determined to be within a proximity of the wireless device. (Office Action, pgs. 4, 6, and 7-8).

Applicants traverse for the reasons discussed above with respect to claims 1, 20, and 39 that the cited art does not disclose transmitting event information to the wireless device for event locations determined to be within a proximity of the wireless device.

Claims 14, 33, and 52 are patentable over the cited art because they depend from claims 10, 29, and 48, respectively, which are patentable over the cited art for the reasons discussed above.

Claims 19, 38, and 57 were amended to depend from claims 1, 20, and 39. These claims are in condition for allowance because they depend from claims 1, 20, and 39, which are patentable over the cited art for the reasons discussed above.

4. Claims 2, 3, 15, 16, 21, 22, 34, 35, 40, 41, 53, and 54 are Patentable Over the Cited Art

The Examiner rejected claims 2, 3, 15, 16, 21, 22, 34, 35, 40, 41, 53, and 54 as obvious (35 U.S.C. §103(a)) over Waytena in view of Cahill (U.S. Patent No. 5,428,784). Applicants traverse.

First off, claims 2, 3, 21, 22, 40, and 41 are patentable over the cited art because they depend from one of claims 1, 20, 39, which are patentable over the cited art for the reasons discussed above. Moreover, the additional requirements of these dependent claims provide further grounds of patentability over the cited art.

Claims 2, 21, and 40 depend from claims 1, 20, and 39 and further require accessing scheduled event records for a user of the wireless device, wherein each scheduled event record indicates one event scheduled for a calendar time period; and processing the scheduled event records for the user to determine whether the user is available to visit the target location, wherein the information is not transmitted if the user is not determined to be available to visit the target location.

The Examiner cited col. 3, lines 17-27 of Cahill as teaching the requirement of processing scheduled event records for the user to determine whether the user is available to visit the target location, wherein the information is not transmitted if the user is not determined to be available to visit the target location. (Office Action, pgs. 9, 11, and 12-13) Applicants traverse.

The cited col. 3 discusses that if a user sends a message to a recipient - LARRY, a check is made of the recipient's electronic calendar to determine if the recipient is busy. If the recipient is busy, then the message is returned to the sender indicating that the recipient is unavailable.

The Examiner found that Cahill teaches that a user's calendar can be processed to determine whether the user is available to perform a task. However, the cited Cahill discusses processing the calendar to determine whether to return a message to a sender if the user's calendar indicates they are busy. The cited Cahill does not teach or suggest the claim requirement of processing scheduled records to determine whether the user is available to visit a target location within a proximity to the location of the user's wireless device. Moreover, even if one were to modify Waytena with the teachings of Cahill, the result would be returning messages if the patron's are busy.

Moreover, the cited Cahill addresses a different problem than what is claimed. Cahill concerns returning a message to a third party that sent the message to a user having an electronic calendar if the user is busy. The claims, on the other hand, concern whether information on a target location proximate to the user of the wireless device will be sent to the user's wireless device. With the cited Cahill, the message is actually sent to the user (LARRY), and the calendar is checked to determine whether to send a response to the sender indicating the user's unavailability. The cited Cahill does not disclose not transmitting information if the scheduled event records for the user indicate the user is not available to visit the target location. Instead, with the cited Cahill, the message is sent to the recipient (LARRY) regardless of whether LARRY is busy.

Accordingly, claims 2, 21, and 40 provide additional grounds of patentability over the cited art because the additional requirements of these claims are not disclosed in the cited art.

Independent claims 15, 34, and 53 concern processing information at a wireless device, and require: receiving information broadcasted within a defined region on event offerings at a target location for an event time period; accessing scheduled event records for a user of the wireless device, wherein each scheduled event record indicates one event scheduled for a calendar time period; processing the scheduled event records for the user to determine whether the user is available during the event time period; and presenting the information to the user if the user is determined to be available during the event time period.

The Examiner cited col. 3, lines 17-27 of Cahill as teaching the requirement of processing scheduled event records for the user to determine whether the user is available during the event time period of an event offering broadcasted within a defined region and presenting the information if the user is determined to be available. (Office Action, pgs. 10, 12, and 13-14) Applicants traverse.

The cited col. 3 discusses that if a message is sent to a recipient - LARRY, a check is made of the recipient's electronic calendar to determine if the recipient is busy. If the recipient is busy, then the message is returned to the sender indicating that the recipient is unavailable.

The Examiner found that Cahill teaches that a user's calendar can be processed to determine whether the user is available to perform a task. However, the cited Cahill discusses whether to return a message to a sender if the recipient's calendar indicates they are busy. The cited Cahill does not teach or suggest the claim requirement of processing scheduled records to determine whether the user is available during an event time period of an event offering at a target location.

Moreover, in Cahill, if the user is unavailable, a message is returned to the sender indicating the unavailability of the recipient. However, this aspect of the cited Cahill is not applicable to the claim requirements because one typically does not send reply messages in response to a broadcast of information in a defined region as claimed.

Still further, the claims require that the information on the event offering is presented to the user if the user is determined to be available. There is no teaching in Cahill that the user receives the message on the condition that the user is determined to be available. Cahill appears less concerned with whether the recipient receives the message, and more concerned with

whether “a sender will be able to avoid a possible prejudicial situation due to the unavailability of requested information from an address.” (Cahill, col. 3, lines 29-32) The claims are not concerned with providing the party broadcasting information on event offerings with information as to whether the user of the wireless device is available. Instead, the claims concern whether the user is presented with the received information depending on the availability, which is not taught or suggested in the cited art.

Accordingly, claims 15, 34, and 53 are patentable over the cited art because the cited art does not teach or suggest all the claim requirements.

Claims 16, 35, and 54 are patentable over the cited art because they depend from claims 15, 34, and 53, respectively, which are patentable over the cited art for the reasons discussed above.

5. Claims 4, 5, 23, 24, 42, and 43 are Patentable Over the Cited Art

The Examiner rejected claims 4, 5, 23, 24, 42, and 43 as obvious (35 U.S.C. §103(a)) over Waytena, Cahill and further in view of Redmann (U.S. App. No. 2002/0174003). Applicants traverse.

First off, claims 4, 5, 23, 24, 42, and 43 are patentable over the cited art because they depend from one of claims 2, 21, and 40, which are patentable over the cited art for the reasons discussed above. Moreover, the additional requirements of these dependent claims provide further grounds of patentability over the cited art.

Claims 4, 23, and 42 depend from claims 2, 21, and 40 and further require providing a data structure indicating a plurality of time periods during which offerings are available at the target location; and determining whether the user is available to visit the target location within one of the time periods indicated in the data structure, wherein the information is not transmitted if the user is not determined to be available to visit the target location during one of the time periods indicated in the data structure.

The Examiner cited par. 173 of Redmann as teaching the claim requirements of providing a plurality of time periods during which offerings are available, and then determining whether the user is available within one of the time periods indicated in the data structure. (Office Action, pgs. 15, 16, and 17) Applicants traverse.

The cited para. 173 of Redmann mentions that for attractions having scheduled shows, the specific times are stored in a separate list. Although the cited Redmann mentions a list of times for scheduled shows, nowhere does the cited art, alone or in combination, anywhere teach or suggest the claim requirement of determining whether the user is available to visit the target location within time periods indicated in the data structure, where the information is not transmitted if the user is not determined to be available.

The Manual of Patent Examination and Procedure (MPEP) states that “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP, pg. 2100-131 (8th ed., rev. May 2004). Here the Examiner has not cited any art suggesting the proposed modification, i.e., determining whether the user is available to visit the target location within time periods indicated in the data structure, such that the information is not transmitted to the wireless device if the user is not determined to be available.

Accordingly, the additional requirements of claims 4, 23, and 42 provide additional grounds of patentability over the cited art.

6. Claims 11-13, 30-32, and 49-51 are Patentable Over the Cited Art

The Examiner rejected claims 11-13, 30-32, and 49-51 as obvious (35 U.S.C. §103(a)) over Waytena in view of Redmann. Applicants traverse.

First off, claims 11-13, 30-32, and 49-51 are patentable over the cited art because they depend from one of claims 10, 29, and 48, which are patentable over the cited art for the reasons discussed above. Moreover, the additional requirements of these dependent claims provide further grounds of patentability over the cited art.

Claims 11, 30, and 49 depend from claims 10, 29, and 48 and further require accessing event preference information provided by a user of the wireless device indicating events the user selected, wherein determining whether the current location within the proximity to at least one event location further comprises determining whether the event at the event location within the proximity to the current location is indicated in the event preference information, and wherein the transmitted information is for at least one event indicated in the event preference information.

The Examiner cited para. 239 of Redmann as teaching the claim requirement of determining whether the event at the event location within the proximity to the current location is

indicated in the event preference information, and wherein the transmitted information is for at least one event indicated in the event preference information. (Office Action, pgs. 18, 20-21, and 22-23). Applicants traverse.

The cited para. 239 of Redmann mentions determining a desirability field for an event that takes into account the party profile, current attraction's acceptance factors, previous perturbation for this party and attraction, travel time, queue time, etc.

Although the cited para. 239 discusses determining a desirability of an event, nowhere does the cited para. 239 anywhere teach or suggest determining whether the event at the event location within the proximity to the current location is indicated in the event preference information, such that information is transmitted if at least one event is indicated in the event preference information. Nowhere does the cited Redmann disclose transmitting information to a wireless device as claimed.

Accordingly, the additional requirements of claims 11, 30, and 49 provide additional grounds of patentability over the cited art because the additional requirements of these claims are not taught or suggested in the cited art.

Further, with respect to claims 12, 13, 31, 32, 50, and 51, the cited Redmann may mention determining an order or wait time for events, but nowhere does the cited Redmann teach or suggest that information transmitted to a wireless device includes optimal order or wait time information. Moreover, as the Examiner recognizes, nowhere does the cited Waytena teach or suggest these requirements or transmitting information on events to a wireless device. Thus, the Examiner is proposing modifications of the cited combination that are nowhere taught or suggested in the cited art.

Accordingly, the additional requirements of claims 12, 13, 31, 32, 50, and 51 provide additional grounds of patentability over the cited art because the additional requirements of these claims are not taught or suggested in the cited art.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1-16, 19-35, 38-54, and 57 are patentable over the art of record. Applicants have not added any claims.

Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0447.

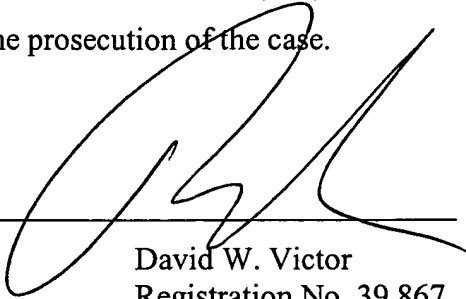
Amdt. dated May 23, 2005
Reply to Office action of Feb. 23, 2005

Serial No. 09/965,007
Docket No. AUS920000715US1
Firm No. 0072.0041

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: May 23, 2005

By: _____



David W. Victor
Registration No. 39,867

Please direct all correspondences to:

David Victor
Konrad Raynes & Victor, LLP
315 South Beverly Drive, Ste. 210
Beverly Hills, CA 90212
Tel: 310-553-7977
Fax: 310-556-7984